

REMARKS

Claims 39, 40, 42, 44-47 and 49-70 are pending in the application.

Claims 39, 40, 42, 44-47 and 49-70 stand rejected.

Claims 39, 46 and 64 have been amended.

Formal Matters

Claim 64 stands objected to because of an informality. Applicants have amended claim 64 to correct the informality.

Rejection of Claims under 35 U.S.C. §103

Claims 39, 40, 42, 44-47 and 49-70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Elsey, et al., U.S. Patent No. 6,870,921 (Elsey).

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As will be appreciated, and as noted in earlier submissions by Applicants, Elsey fails to teach that "... each virtual database of the virtual databases of the partitionable database of the database system comprises a plurality of distinct files ...," as recited in amended independent claims 39, 46 and 64. These claims are amended herein to further highlight this distinction.

For example, amended claim 39 now reads as follows:

39. A database system comprising:

a partitionable database, wherein

the partitionable database is owned by a database operator,

the partitionable database is a database configured to be partitioned into a

plurality of virtual databases and to maintain information regarding a

relationship between information stored in each of the virtual databases,

the partitionable database is partitioned into the virtual databases,

each virtual database of the virtual databases of the partitionable database of the

database system comprises a plurality of distinct files and information

regarding a relationship between information stored in each of the distinct files,

each of the distinct files is associated with an owner,

the owner is a tenant of the partitionable database,

the owner is other than the database operator, and

each of the virtual databases corresponds to a distinct one of the tenants in such a

manner that a partitioned virtual database for a tenant comprises stored

files associated with the tenant; and

an access control subsystem, wherein

the access control subsystem is coupled to the virtual databases, and

the access control subsystem is configured to provide access to files in a virtual

database of the virtual databases to a user only when the user has access

authorization to the virtual database of the virtual databases from the

tenant who owns the virtual database of the virtual databases.

The Office Action correctly notes that Elsey fails to teach that "... each virtual database of the virtual databases of the partitionable database of the database system comprises a plurality of distinct files" The amended claim's recited language now reads, in pertinent part:

"...

the partitionable database is a database configured to be partitioned into a plurality of virtual databases and to maintain information regarding a relationship between information stored in each of the virtual databases, the partitionable database is partitioned into the virtual databases, each virtual database of the virtual databases of the partitionable database of the database system comprises a plurality of distinct files and information regarding a relationship between information stored in each of the distinct files,
..." (Emphasis supplied)

Thus, as now claimed, the claimed partitionable database includes a plurality of virtual databases, and each of these virtual databases includes a plurality of distinct files. This hierarchy of storage is nowhere shown or even suggested in Elsey.

Moreover, the claimed partitionable database comprises virtual databases and information regarding a relationship between information stored in each of the virtual databases. Likewise, each of the claimed virtual databases comprises not only the distinct files (which the Office Action correctly notes that Elsey fails to teach), but also information regarding a relationship between information stored in each of the distinct files.

Applicants respectfully submit that not only does Elsey fail to show, teach or suggest the claimed partitionable database comprising virtual databases (making the parallel drawn in the

Office Action between Elsey's directories and files, and elements of the instant claims, inapposite), any comparison between Elsey's directories and files, and elements of the instant claims, is destined to fail because nowhere in Elsey is there shown, taught or suggested that such constructs comprise information regarding a relationship between information stored in each of the virtual databases or information regarding a relationship between information stored in each of the distinct files. This is because such constructs do not comprise such information, as would be evident to one of skill in the art.

The amendments herein thus further distinguish the claimed invention from Elsey. While Applicants maintain that that Elsey fails to show, teach or suggest the claimed partitionable database comprising virtual databases, which in turn comprise a plurality of distinct files, it will be appreciated that Elsey's directories and files do not (and indeed, cannot) maintain information regarding any relationship between any information in any construct stored therein, and any information in any other construct also stored therein. Thus, even if the parallels posited in the Office Action were accurate (a point which Applicants do not concede), there is no showing, teaching or suggestion to store information such as that claimed in any of the constructs described in Elsey.

Moreover, the progressively finer divisions of partitionable database into virtual databases, and those into distinct files, is never reached by Elsey. This is understandable, given that Elsey fails to elucidate any needs for such structures. Even if such a parallel could successfully be drawn (again, a point which Applicants do not concede), Elsey teaches only directories and files, and so fails to show, teach or suggest any three constructs that one might even attempt to equate with the claimed partitionable database, virtual databases and distinct files, regardless of the information maintained therein. Moreover, these are three distinct

constructs (partitionable database, virtual databases and distinct files), none of which are shown, taught or suggested by Elsey.

For Elsey, it is enough that a database with the requisite information exists and access to that database controlled:

“Individuals and groups of individuals, such as corporations, are provided access to one or more private directories. The private directories can be edited by an administrator. Access to the private directories may be limited by administrators of the private directories. Access to private directories is provided via a connection to *directory assistance providers*. Directory service providers are capable of facilitating the administration of the private directories as well as *connecting users of private directories to contacts in the private directories*. Access to the private directory may be obtained via an internet connection.”

(Elsey, Abstract; Emphasis supplied)

Again, as can be seen, Elsey is directed to the provision of contact and other information from conventional databases, to users needing such information. Even if Elsey’s database and the claimed database system were comparable (which Applicants respectfully do not concede), no facility is disclosed or even recognized in Elsey for partitioning a database into virtual databases, or maintaining the claimed information therein. Moreover, no hierarchy of storage structures that the claimed invention engenders is disclosed.

As can therefore be seen, the cited portions of Elsey convey no teachings whatever with regard to a partitionable database or a virtual database, or that a partitionable database can be partitioned into a plurality of virtual databases, or that an access control subsystem can be employed to control access to files in a virtual database of the virtual databases of the partitionable database, to give just a few examples. Applicants therefore respectfully assert that Elsey fails to make obvious the claimed invention, without the need to delve further into the distinctions between Elsey and the claimed invention.

Applicants therefore respectfully submit that independent claims 39, 46 and 64 are allowable over Elsey and so respectfully request that the rejection of claims 39, 46 and 64 under §103(a) be withdrawn. Applicants further respectfully submit that dependent claims 40, 42, 44-45, 47, 49-63 and 65-70 are allowable as depending upon allowable base claims in addition to being allowable for various other reasons.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. G. Campbell, III', is written over the typed name and title.

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